

## **I. Preliminary Remarks**

Claims 1-10 and 20 are pending and are set forth in **Exhibit A** hereto. A marked up version of the amended specification and claims is attached as **Exhibit B** hereto.

The title has been amended in response to the Examiner's request to describe the claimed polynucleotides. The remaining amendments to the specification are to correct typographical errors. These amendments add no new matter to the application.

Substitute formal Figures 1A-4 (**Exhibit C**), replacing Figures 1A-4, respectively, are provided to comply with the Notice of Draftsman's Patent Drawing Review. The substitute drawings do not add new matter to the application.

Claim 20 has been amended in response to the Examiner's objection that it was in improper multiple dependent form.

## **II. Patentability Arguments**

A. The rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

In the Office Action, claims 1, 2 and 5 were rejected under 35 U.S.C. § 112 (first paragraph) for assertedly lacking written description and enablement. In light of the foregoing amendments, the rejections are now moot and should be withdrawn.

The Examiner's rejection with respect to the term "mature protein sequence" is mooted by removal of this term from claims 1-2, solely in order to expedite prosecution. The rejection with respect to claim 5 is also mooted by cancellation of this claim, solely in order to expedite prosecution. Claim 6, which was originally dependent upon claim 5, has been amended to depend from claim 3.

To complete the record in this case, a copy of the Budapest Treaty Declaration from parent application U.S. Serial No. 09/316,081 is filed herewith. (**Exhibit D**)

The rejections under 35 U.S.C. § 112 (first paragraph) are thus believed to be mooted and may properly be withdrawn.

B. The rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. § 112 (second paragraph) as being assertedly indefinite.

The rejections of claims 1, 2 and 5 are mooted by the amendments described above.

Although Applicants continue to believe that the terms “stringent conditions” and “IL-1Hy2 activity” in claim 3 would be readily understandable to one of skill in the art, solely in order to expedite prosecution Applicants have amended claim 3 to recite hybridization conditions described at page 10, lines 19-23 in the specification and to remove the term “ IL-1 Hy2 activity”.

The rejections of claims 1-9 under 35 U.S.C. § 112 (second paragraph) are thus believed to be mooted and may properly be withdrawn.

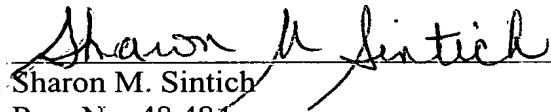
## CONCLUSION

It is believed that the foregoing amendment and remarks put all pending claims, 1-4, 6-10 and 20, in condition for allowance and an early notice thereof is respectfully solicited. If further discussion with the undersigned agent would expedite allowance, please contact the undersigned at the telephone number below.

Respectfully submitted,

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